

PS3735.04 DRUG FREE WORKPLACE



U.S. Department of Justice  
Federal Bureau of Prisons

Program

Statement

**OPI:** HSD  
**NUMBER:** 3735.04  
**DATE:** June 30, 1997  
**SUBJECT:** Drug Free Workplace

1. PURPOSE AND SCOPE. To implement the Drug Free Workplace Program (DFWP) for Bureau employees in compliance with Executive Order 12564 and 5 U.S.C. Section 7301. This program provides a mechanism for employee assistance and employee education regarding the dangers of drug abuse.

It is every employee's responsibility to comply with this policy. Any illegal drug use, or abuse of legal drugs by Bureau employees has an adverse impact on the accomplishment of the Bureau's law enforcement mission and will not be tolerated.

Employees are cautioned to take note that, regardless of individual state legislation or initiatives, the use of any Federal Controlled Substances Act, Schedule I drug, whether for non-medical or ostensible medical purpose, violates Federal law and the Federal Drug Free Workplace Program. It is also inconsistent with performance of safety-sensitive, health-sensitive, and security-sensitive positions, and with other testing circumstances.

Given the agency's law enforcement mission, the Bureau has reason to operate a comprehensive drug testing program including pre-employment testing, random employee testing, reasonable suspicion testing, post-accident testing, post-substance abuse treatment testing, and voluntary testing.

2. PROGRAM OBJECTIVE. The expected results of this program are:

- a. Bureau employees will not use drugs illegally.
- b. Applicants for employment found to currently use drugs illegally will be eliminated from employment consideration.
- c. An employee who voluntarily identifies himself or herself as an illegal drug user, prior to identification through other means, will be given an opportunity for treatment and protection from disciplinary action.

d. Disciplinary action will be taken against any Bureau employee determined to use drugs illegally, and who has not presented herself or himself for assistance according to the terms of Section 8 of this program statement.

e. The privacy rights of employees concerning drug testing or treatment will be maintained.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 3735.03        Drug Free Workplace Program (06/14/96)

b. Directives Referenced

PS 1351.04        Release of Information (12/05/96)  
PS 1627.01        Commercial Drivers, Testing for Use of  
                         Controlled Substances and Alcohol (11/29/96)  
PS 3000.02        Human Resources Manual (11/01/93)  
PS 3420.08        Standards of Employee Conduct (03/07/96)  
PS 3792.06        Employee Assistance Program (11/04/93)

Executive Order 12564, 1987

5 U.S.C. 7301  
5 U.S.C. 552a (Privacy Act of 1974)

42 CFR part 2

Mandatory Guidelines for Federal Workplace Drug Testing Programs, which includes Scientific and Technical Requirements and Certification of Laboratories Engaged in Urine Drug Testing, 53 FR 11970 (1988) as revised (1994).

Department of Justice Drug Free Workplace Plan

4. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4061

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-1C-15

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-1C-20

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-1C-06

5. PROGRAM RESPONSIBILITY. The Bureau's Drug-free Workplace Program is under the general direction of the Health Services Division, in which the Bureau's National DFWP Coordinator (National Coordinator) administers the program. Consistent with Department of Health and Human Services guidelines, the National Coordinator shall perform all duties specified in Chapter 3, Section C of the Department of Justice Drug Free Workplace Plan.

a. Local Responsibility. Chief Executive Officers (CEOs) shall implement and administer the DFWP within their respective locations. In this Program Statement, CEO refers to:

- # Wardens,
- # Directors, Staff Training Centers,
- # Community Corrections Managers,
- # Regional Directors,
- # Assistant Directors, and
- # Director, Federal Bureau of Prisons.

b. Labor Management Relations. The Labor Management Relations Section of the Human Resource Management Division shall provide advice and guidance to management officials concerning:

- # reasonable suspicion testing,
- # post-accident testing,
- # random testing,
- # the identification of specific positions as Test Designated Positions (TDPs), and
- # disciplinary/adverse actions.

c. Office of General Counsel. The Labor Law Branch of the Office of General Counsel shall provide legal counsel to management officials regarding all aspects of the program.

6. EMPLOYEE ASSISTANCE PROGRAM (EAP). The EAP is a confidential program available to all Bureau employees who have alcohol, drug, or emotional problems or who have immediate family with these problems, and, when feasible, to immediate family members who have these problems. The EAP's role is assisting employees to:

- # accept early counseling;
- # regain their productive capability;
- # minimize absenteeism, sick leave, and grievances;
- # reduce the need for disciplinary action; and
- # improve morale.

Employees are encouraged to seek confidential EAP assistance for any emotional or substance abuse problems with which they may be trying to cope. Also, an employee who contacts a management official seeking assistance in dealing with a drug problem may be entitled to protection against disciplinary action. For further

information regarding voluntary referral for treatment, and the provisions for protection from disciplinary action, see Section 8 below, and the Program Statement on the Employee Assistance Program.

Employees are solely responsible for all drug rehabilitation costs. Such expenses for employees or their family members are not chargeable to the Bureau, the Department of Justice, or the United States Government.

7. SUPERVISORY AND MANAGERIAL TRAINING. EAP Coordinators and Health Services Administrators shall provide Bureau supervisors and managers with information and training regarding:

- # procedures and requirements for drug testing;
- # employee referral to the EAP;
- # signs of possible drug use, or drug induced impairment; and
- # confidentiality rights of employees in treatment programs.

The training shall also include information to help supervisors and managers be aware of drug-related behavior and recognize facts that give rise to a reasonable suspicion that an employee may be using drugs illegally. The training shall be documented in the employee's training record.

8. VOLUNTARY ADMISSION. Since a fundamental purpose of the Bureau's drug testing plan is to assist employees who seek treatment for drug use, the Bureau shall not initiate disciplinary action for illegal drug use against any employee who meets all three of the following conditions:

- # voluntarily identifies himself or herself to his or her CEO as an illegal drug user prior to being identified through other means,
- # obtains counseling or rehabilitation through an Employee Assistance Program, and
- # thereafter refrains from illegal drug use.

Since the key to this provision's rehabilitative effectiveness is an employee's willingness to freely admit his or her problem, this provision is not available to an employee who requests protection under this provision after:

- # Being asked to provide a urine sample in accordance with this Program Statement, or the Program Statement on Commercial Drivers, Testing for Controlled Substances and Alcohol;
- # Being identified as the subject of a Bureau investigation concerning illegal drug use;

- # Being identified as the subject of a law enforcement investigation concerning illegal drug use; or
- # Having been found to have used illegal drugs by direct observation, or by evidence obtained from an arrest or criminal conviction.

a. Request for Assistance. An employee who is using drugs illegally and wishes to seek treatment and rehabilitation should contact his or her supervisor for an EAP referral, or contact the EAP Coordinator directly. The employee's own admission of drug use is sufficient for determination of drug use, and a urinalysis test shall not be required.

An employee may seek confidential assistance from the EAP, however, no protection from disciplinary action shall be available unless the employee voluntarily discloses his or her illegal drug use to his or her CEO. The employee may voluntarily disclose to the CEO directly, through an immediate or higher supervisor, or through the EAP Coordinator, provided the EAP Coordinator has obtained a properly completed release of information. It should be noted that CEOs and other non-EAP staff are not bound by the same confidentiality regulations to which EAP Coordinators and Counselors must adhere.

b. Disposition. Although an employee who meets the voluntary admission criteria may not be disciplined for illegal drug use, other action must be taken. The CEO shall immediately review the employee's job functions to determine if that employee should be relieved from his or her duties. While the employee is undergoing treatment, the CEO may reassign the employee to a position where he or she will not pose a threat of danger to the safety of others or to the organization's operation. Absent such a position, the employee may elect to be placed on sick, annual, or other appropriate leave status while undergoing short-term (less than 30 days) treatment and rehabilitation under the EAP.

Results of any urinalysis testing conducted by a treatment facility may be released to the Bureau only if the employee provides proper consent.

Positive test results released by a treatment provider to the Bureau may not be counted against the employee in mandatory dismissal actions under Section 9 below; however, any positive test results the Bureau obtains through other permissible testing procedures, described in Section 15, are fully actionable, even if the testing occurs while a self-referring employee is participating in a rehabilitation program.

An employee who is referred for treatment of 30 days or less shall not be included in a random drug testing pool for the duration of such treatment. When a self-referring employee

enters short-term treatment, the CEO shall notify the National Coordinator to ensure the employee's name does not appear on a random testing list inappropriately. An employee in longer treatment may be exempted from random drug testing, as described in subsection e. below.

c. Return to Former Assignment. When the EAP Coordinator certifies that the employee has successfully completed a rehabilitation program, the CEO and the Regional Director or appropriate Assistant Director shall determine whether the employee will return to his or her former assignment.

d. Confidentiality. To maintain the integrity and confidentiality of employees' rehabilitation activities, the EAP Coordinator shall maintain all patient records consistent with the requirements of 42 CFR 2.1.

e. Exemption from Testing Pool. The CEO, in conjunction with the EAP Coordinator, may request that an employee participating in treatment be exempted from the random selection pool for a period not to exceed 60 days, or for a time period specified in an agreement between the employee and management, or a rehabilitation plan approved by the Warden and the Regional Director or Assistant Director.

If a determination is made to temporarily remove an employee from the random selection pool, the CEO shall notify the National Coordinator to ensure the employee's name does not appear on a testing list. Upon completing the program, the employee shall be returned to the random selection pool.

## 9. DETERMINATION OF DRUG USE AND DISCIPLINARY CONSEQUENCES

a. Determination of Drug Use. An employee may be determined to be using illegal drugs on the basis of any appropriate evidence including, but not limited to:

- (1) Direct observation of illegal drug use,
- (2) Evidence obtained from an arrest or criminal conviction,
- (3) A verified positive test result, or
- (4) An employee's voluntary admission.

b. Mandatory Administrative Action. An employee determined to be using illegal drugs shall be referred to the EAP by the appropriate Medical Review Officer (MRO), CEO, or by the National Coordinator. If the employee occupies a Test Designated Position (TDP) (see Section 11) or other sensitive position, the CEO shall immediately remove the employee from that position, and place him or her in a nonsensitive position until appropriate action is taken by the Agency.

At the joint discretion of the Warden, the Regional Director, or Assistant Director, an employee may return to duty in a test-designated or sensitive position if the employee's return will not endanger national security, public safety, or institution security.

c. Range of Consequences. The severity of the disciplinary action taken against an employee determined to be using illegal drugs shall depend on the circumstances of each case and shall be consistent with the Executive Order. The full range of disciplinary actions, up to and including dismissal, are available.

The Bureau shall initiate disciplinary action against any employee determined to be using illegal drugs, but may not discipline an employee who voluntarily admits to illegal drug use in accordance with Section 8 of this Program Statement. Such disciplinary action shall be consistent with the requirements of the Discipline and Adverse Action Article of the Master Agreement and existing disciplinary and adverse action regulations and procedures.

d. Initiation of Mandatory Removal From Service. The Bureau may initiate action to remove an employee for:

- (1) Refusing to obtain counseling or rehabilitation through an EAP after having been determined to use illegal drugs; or
- (2) Having been determined not to have refrained from illegal drug use after a first finding or admission of illegal drug use. Disciplinary action may or may not have been taken on the first determination of illegal drug use in order to propose and sustain a removal.

e. Refusal to Provide, or Attempts to Alter a Specimen. An employee who refuses to be tested when required shall be subject to the full range of disciplinary action, up to and including dismissal. Attempts to alter or substitute a specimen shall be deemed a refusal to take a drug test when required.

No applicant who refuses to be tested may be extended an offer of employment.

#### 10. COLLECTION AND RESULTS CERTIFICATION

a. Collection. Each institution shall have a minimum of two trained collectors. Specimen collection at the institution level is restricted to Health Services Administrators (HSA) and Assistant Health Services Administrators (AHSA). At institutions which have an HSA, but are not authorized an AHSA, the HSA shall designate a second collector from within Health Services. At

institutions which are not authorized an HSA, the collectors shall consist of the Supervisory Physician Assistant, and a second Health Services staff member.

Within Regional Offices, the RHSA shall be the primary collector. A second Health Services staff member may serve as a collector, or the Regional Director may designate a non-health services staff member of his or her choice to provide secondary collector coverage.

At Central Office, the National Coordinator shall be the primary specimen collector. The National Coordinator may choose a second collector from within the Central Office Health Services Division.

A request for an additional collector, or a request for a collector outside of Health Services must originate with the local CEO, and shall be directed to the Assistant Director for Health Services who may approve such a request. The request must identify:

- # the unusual need which necessitates the request; and
- # the individual intended for training.

The National Coordinator may arrange for a collection by a community provider at Bureau facilities without appropriately trained staff.

Bureau collectors shall complete a training and certification program prior to performing any collections. Thereafter, the collector must complete an annual familiarization program.

**Bureau collectors shall be guided in this program by the Collector's Procedure Manual.**

b. Medical Review. The National Coordinator shall ensure that an appropriately trained physician is available to review, and make a final determination regarding all drug tests reported as positive by the contract laboratory. This review may be provided by:

- # a Bureau physician,
- # contract with another agency, or
- # a community provider.

11. TEST DESIGNATED POSITIONS (TDPs). TDPs are those positions for which it has been determined that an incumbent's use of illegal drugs would pose a significant threat to national security, public safety, patient care, or fellow employees.

TDPs include:

- # positions assigned to locations where employees may establish eligibility for Federal law enforcement retirement,
- # non-institution positions which are safety-sensitive, require Central Inmate Monitoring certification, or otherwise may provide access to information regarding participants in the Witness Security or Victim Witness programs.

Employees having a secret or higher security clearance are also subject to selection for random drug testing.

a. Notification to Employee. Employees identified as filling a TDP shall be notified of their testing status prior to implementation of random testing. If an employee believes his or her position has been wrongly classified, he or she may file an administrative appeal to the Director, who has authority to remove the position from the TDP list.

The employee must submit the administrative appeal, in writing, to the Director within 15 days of notification, setting forth all relevant information. The Director's decision is a final administrative decision.

b. Acknowledgement. Each employee in the TDP shall be asked to sign an acknowledgment of notice regarding his or her testing status prior to implementation of a random testing program (Attachment A). The acknowledgment shall be maintained in the employee's Official Personnel Folder. Henceforth, all newly affected employees shall also acknowledge their awareness of the Drug Free Workplace Program and receipt of a copy of the current version of the Program Statement on the DFWP.

If the employee refuses to sign the acknowledgment, the employee's supervisor, or other staff member tasked with distribution of the notice, shall note on the acknowledgment form that the employee received the notice. This acknowledgment is advisory only, and failure to provide a signed acknowledgment shall not preclude drug testing that employee.

Once an employee has signed the acknowledgment, the employee shall not thereafter be required to sign a new acknowledgment, unless the employee changes from a TDP to a non-TDP and then changes back to a test designated position.

12. SPECIMEN TESTING BY CONTRACT LABORATORY. In accordance with Executive Order 12564, the Bureau shall use only laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

Pre-employment and random selection testing shall be conducted for the following drug classes:

- # marijuana.
- # cocaine,
- # morphine, codeine, and other opiates,
- # amphetamines, and
- # phencyclidine

Reasonable suspicion, post-accident, and post-substance abuse treatment testing shall be conducted for a minimum of the above listed drug classes. However, as indicated on a case-by-case basis, the testing may be expanded to include any drug found on Schedules I and II of the Controlled Substances Act.

If an initial screening through the immunoassay method yields a positive result, the laboratory shall automatically perform a confirmation test on the specimen using Gas Chromatography/Mass Spectrometry (GC/MS). This is the most reliable combination of testing available.

13. OPPORTUNITY TO JUSTIFY A POSITIVE RESULT. When the laboratory has confirmed a result as positive, and has reported this result to the Medical Review Officer (MRO), the MRO shall provide the donor the opportunity to justify the result based on the donor's medical history. Only a licensed physician may make a determination of illegal drug use. Such determination shall be made only after the physician has afforded the donor an opportunity to justify the positive laboratory finding. When the MRO determines there is a legitimate reason for the presence of the identified drug, the test result shall be identified as **negative** and be reported by the MRO as if the **laboratory** reported it as negative.

Regardless of state or local law, MROs shall not accept a prescription, or the verbal or written recommendation of a physician for a Schedule I substance as a legitimate medical explanation for the presence of a schedule I drug or metabolite in a Federal employee or applicant specimen.

14. TESTING BY LABORATORY OF EMPLOYEE'S CHOICE. An employee may request from the MRO a retest of his or her original sample within 72 hours following notice that his or her result has been determined positive. This employee safeguard consists of a retest of the original specimen at a second SAMHSA-certified laboratory selected by the employee. The Bureau shall bear the cost of re-analysis.

A decision by the employee to pursue a retest shall not delay notice to the CEO of a positive drug test. If the **retest fails to confirm** the presence of the previously identified substance, then the original test shall be considered **negative**. If the

retest is negative, then any disciplinary action will be discontinued, and all records of such action shall be removed from the employee's Official Personnel Folder.

15. CATEGORIES OF TESTING. Drug use testing shall be done in these categories:

- # pre-employment,
- # random,
- # reasonable suspicion,
- # post-accident,
- # post-treatment - EAP, and
- # voluntary.

a. Pre-employment. All applicants are to be notified of the Bureau's drug testing program, and notification of drug testing is to be posted on vacancy announcements.

Applicants tentatively selected for employment with the Bureau shall be required to submit to urinalysis drug screening prior to appointment to any Bureau position. The applicant is not to be notified of the actual date and time of the drug test.

Positive results which cannot be justified by the presence of a prescription drug shall preclude the applicant from any further consideration. The appropriate Human Resources Management staff shall object to the applicant on the basis of a lack of personal characteristics necessary to relate to an inmate population, and failure to support the organization's goals.

If an applicant has entered on duty before positive results are confirmed, and has denied drug usage during the Pre-Employment Interview, action shall be taken to separate the employee.

b. Random. The random testing selection pool shall include all employees occupying TDPs and employees who have volunteered to be subject to random testing. Selection shall be by simple random sampling conducted quarterly with an annual selection rate of five percent.

Each quarter, the National Coordinator shall provide each CEO a list of employees to be tested. Quarterly sampling shall be drawn from the complete TDP pool. Every employee filling a TDP will have an equal chance for selection each quarter. Although the chances of such are very low, an employee could be selected four times in a given year.

# Special Cases:

- # Institution CEOs. The National Coordinator will notify the Regional Director, who shall instruct the CEO to

report to the institution trained collector for drug testing.

# Regional Directors. The National Coordinator will notify the Medical Director, who shall notify the Regional Director to report to the nearest available trained collector for drug testing.

# Assistant Directors and the Director. The National Coordinator shall notify the Medical Director, who shall notify the Assistant Director or the Director to report to the Central Office collector.

In these cases, final test results shall be provided to the donor and to the next level supervisor.

c. Reasonable Suspicion. A Warden, Regional Director, Assistant Director, or the Director, may require that a urinalysis test be conducted on the basis of a reasonable suspicion of drug use.

(1) Application

(a) Suspicion of On-Duty Use or Impairment. All employees may be tested for suspicion of on-duty use or impairment in accordance with the criteria reported below.

(b) Suspicion of Off-Duty Use or Impairment. Employees in TDPs may be tested for suspicion of off-duty use or impairment in accordance with the following criteria:

- # facts and circumstances known warrant a rational inference that a person is using drugs, **or**
- # suspicion is supported by evidence of specific, personal observations concerning job performance, appearance, behavior, speech, or bodily odors of the employee, **or**
- # if based on hearsay evidence, there is corroborative evidence from a manager or supervisor with training and experience in the evaluation of drug-induced impairment.

(2) Procedure. If an employee is suspected of using illegal drugs, the appropriate supervisor or management official shall gather all information, facts, and circumstances leading to and supporting that suspicion, and report that information to the CEO (see the definition in Section 5.a.).

The CEO shall determine if there is sufficient evidence to substantiate reasonable suspicion and, **document the specific**

**facts and circumstances that led him or her to believe that the employee is, or has been, using drugs illegally.** That documentation shall include, at a minimum:

- # the appropriate dates and times of reported drug-related incidents,
- # reliable/credible sources of information or corroborating information, if any, and
- # the rationale leading to the test.

A subsequent report shall be prepared to document the test result and the action taken regarding the employee.

(3) Specimen Collection

(a) Notification. When grounds for reasonable suspicion have been established, the CEO shall ensure that:

- # the employee is notified that he or she is required to submit to a drug test based on reasonable suspicion of illegal drug use. The suspected employee shall be explicitly ordered to submit to a reasonable suspicion drug test in the presence of a witness;
- # the trained specimen collector is notified; and
- # an employee is assigned to accompany the suspect employee to the appropriate collection site.

(b) Privacy. The employee's privacy is an important concern; however, when there is an independent reason to believe the employee is likely to alter or substitute the specimen, provision of the sample may be directly observed. If the donor employee is of different gender than the collector, provision shall be made for a same gender observer. The observer is not to participate in the chain-of-custody of the specimen, and should be clearly instructed not to touch the specimen or any collection paraphernalia.

No direct observation shall occur without authorization of the CEO ordering the test. Rationale for use of direct observation shall be clearly documented in the CEO's record.

d. Post-Accident, or Unsafe Practice. An employee filling a TDP may be subject to drug testing if he or she appears to have caused or contributed to a work-site accident resulting in:

- # death, or personal injury requiring immediate medical treatment, or
- # property damage in excess of \$10,000.

If the accident involved the operation of a qualifying commercial motor vehicle, then post-accident testing may be required under the authority of the Department of Transportation, Federal Highway Administration (DOT/FHWA). Consult the Program Statement on Commercial Drivers, Testing for Use of Controlled Substances and Alcohol, for the FHWA criteria requiring post-accident testing.

(1) Testing. Based on satisfaction of the above criteria, the immediate or higher level supervisor may arrange for this type of employee drug test. Local CEO's may further restrict the level of authority required for post-accident testing.

(2) Rationale. When testing is conducted as a result of a work-site accident, the decision maker shall promptly detail in writing for the CEO, the basis of the decision to require a drug test. The written report shall include, at a minimum, the:

- # date and time of the reported accident,
- # circumstances surrounding the accident,
- # rationale for perceived appearance that the employee may have caused or contributed to the accident, and
- # documentation of the order to require a drug screen.

Having determined that a drug test is warranted, the decision-maker shall contact the Health Services Administrator with instructions to conduct a post-accident employee drug screen. The decision maker shall be responsible for ensuring that the employee is notified of the required drug test, and that the individual clearly understands he or she is being required to submit to a post-accident drug screen.

(3) Specimen Collection. Drug tests ordered under this provision are to be collected as soon as possible after the accident; however, the drug test shall not interfere with the provision of required medical treatment. The employee shall be given the same privacy and safeguards provided under the reasonable suspicion category of testing.

e. Post Completion of Substance Abuse Treatment, or Follow-Up. An employee may be subject to follow-up testing after completing a drug-related treatment program required by the Bureau. Follow-up testing shall be conducted without notice or regularity, and may continue for 12 months at the discretion of the CEO, EAP Coordinator, and the National Coordinator.

f. Voluntary Submission to Testing. Employees not occupying a TDP are offered the opportunity to submit themselves for

inclusion in the random testing program. Volunteers shall be subject to random testing as if they occupied positions deemed to be test designated.

An employee may be included in the random selection testing pool by submitting a memorandum of request to the National DFWP Coordinator, Health Services Division, Central Office. Such an employee shall be maintained as a volunteer until written notice of withdrawal is provided to the National Coordinator.

16. REPORTING. Applicant test results shall be reported to the local Human Resource Management office initiating the request for drug testing. Employee test results shall be reported by the Medical Review Officer to the National Coordinator. The National Coordinator shall immediately notify the appropriate CEO of any positive employee test results, and any non-random selection (reasonable suspicion, post-accident, etc.) employee result. The results of negative random selection results shall not be reported to individual CEOs except on request.

17. CONFIDENTIALITY AND PROCESSING OF RECORDS. Medical Review Officers shall store all positive employee test reports for a minimum of five years. All records and information of personnel actions taken on employees who tested positive shall be forwarded to the Labor Management Relations Section, Central Office. All drug testing information specifically relative to individuals is protected under the 1974 Privacy Act, 5 U.S.C. 552a, and shall be available to authorized individuals only on a "need-to-know" basis.

Patient records concerning employees in the EAP are confidential, and shall not be forwarded to the Labor Management Relations Section. The EAP may disclose EAP records only as authorized by 42 CFR Part 2, or upon the employee's written consent. With written consent, the patient may authorize the limited disclosure of those records to the Bureau for verification of treatment or for a general evaluation of treatment progress (42 CFR 2.1 et seq.).

Kathleen M. Hawk  
Director

**Acknowledgement of Receipt of Notice to Employee  
Whose Position Has Been Determined Subject to Random Drug Testing**

The Bureau of Prisons' Drug-Free Workplace Program is intended to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with the mission of the Bureau of Prisons.

The position you hold has been determined to be a Test Designated Position. As such, you may be selected for urinalysis drug testing for the presence of controlled substances.

You may be required to submit to testing in the following drug test categories:

1. Random Selection
2. Reasonable Suspicion of drug use on-, or off-duty
3. Post Accident
4. Post Completion of Substance Abuse Treatment Program

All initial positive test results will be confirmed with a gas chromatography/mass spectrometry analysis. This is the most accurate testing available.

Each employee tested will be afforded the opportunity to present medical documentation supporting the lawful use of an otherwise illegal drug. If the reviewing physician determines an employee has used a drug(s) illegally, the employee may request that a portion of his or her specimen be submitted for re-analysis at a certified laboratory of his or her choice. Employee records related to positive results are protected by the Privacy Act.

A test result which the physician has found to be positive, or a refusal to submit to drug testing may result in disciplinary action up to, and including dismissal.

Bureau of Prison's employees who are using illegal drugs may seek confidential assistance by contacting their local Employee Assistance Program Coordinator. An employee who makes his or her drug problem known to his or her Chief Executive Officer prior to suspicion or investigation may qualify for protection from disciplinary action.

**I have read the above, and I understand that my position has been identified as subject to random drug testing. I also acknowledge that I have received a copy of the Bureau of Prisons' Program Statement on Employee Drug Testing.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

**Acknowledgement of Receipt of Notice to Employee  
Whose Position Is Not Subject to Random Drug Testing**

The Bureau of Prisons' Drug-Free Workplace Program is intended to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is, quite simply, incompatible with the mission of the Bureau of Prisons.

You may be required to submit to testing in the following drug test categories:

1. Reasonable Suspicion of drug use
2. Post Completion of Substance Abuse Treatment Program

All initial positive test results will be confirmed with a gas chromatography/mass spectrometry analysis. This is the most accurate testing available.

Each employee tested will be afforded the opportunity to present medical documentation supporting the lawful use of an otherwise illegal drug. If the reviewing physician determines an employee has used a drug(s) illegally, the employee may request that a portion of his or her specimen be submitted for re-analysis at a certified laboratory of his or her choice. Employee records related to positive results are protected by the Privacy Act.

A test result which the physician has found to be positive, or a refusal to submit to drug testing may result in disciplinary action up to, and including dismissal.

Bureau of Prison's employees who are using illegal drugs may seek confidential assistance by contacting their local Employee Assistance Program Coordinator. An employee who makes his or her drug problem known to his or her Chief Executive Officer prior to suspicion or investigation may qualify for protection from disciplinary action.

**I have read the above, and I understand that I may be subject to drug testing based on a reasonable suspicion of drug use. I also acknowledge that I have received a copy of the Bureau of Prisons' Program Statement on Employee Drug Testing.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_